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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,789	01/08/2002	Hans-Walter Bielefeld	BIELEFELD	4601

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EXAMINER

THISSELL, JENNIFER I

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 06/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/041,789	BIELEFELD ET AL.
	Examiner	Art Unit
	Jennifer I Thissell	3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 08 January 2002.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-22 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-22 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

4) Interview Summary (PTO-413) Paper No(s). _____ .

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

6) Other: _____

DETAILED ACTION

Claim Objections

Claim 6 is objected to because of the following informalities: in line 2, the phrase “knurling, punching of the member” should read “knurling, and punching of the member”. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4-6, 13-19, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka et al. ('405).

Tanaka teaches a hollow plastic section having a frame section 12 defining a longitudinal axis and an interior divided into several chambers by a plurality of partition walls extending in a direction of the longitudinal axis (see Figure 1), and there are a plurality of stiffening elements 18 in the interior separate from one another and without interconnection.

The stiffening elements have a strip-shaped structure (a long, round, strip of material) that is made of fiber-reinforced plastic, the stiffening elements have opposite longitudinal sides (left and right), and an area on the

longitudinal sides has a means for effecting a positive fit, which is the size and/or the surface of the stiffening element that maintains a friction fit.

The frame section has exterior walls that form visible surfaces, at least two of the stiffening elements oppose one another and are secured to and are imbedded in the inner surfaces of the exterior walls. The stiffening elements are also secured to and form the partition walls which bound the inner chambers, the stiffening elements have lateral boundary planes which don't intersect any visible surfaces of the frame section, and the stiffening elements have a sufficient distance to the visible surfaces of the frame section. The frame section includes a receiving pocket (any of the pockets on the right side in Figure 1) that inherently receives an insertable profile.

It should be noted that claim 6, which recites "the means for effecting a positive fit includes one of roughening, knurling, punching of the member", is considered a product by process claim, therefore, determination of patentability is based on the product itself. See MPEP 2113. The patentability of the product does not depend on its method of production. If the product-by-process claim is the same as or obvious from a product of the same prior art, the claim is unpatentable even though the prior product was made by a different process. *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed.Cir.1985)

Claims 1-3, 7, 13, 15, and 18-22 are rejected under 35 U.S.C. 102(b) as being anticipated by DE 1281664. There is a frame section 1 (Figure 2) and interior chambers divided by partition walls 1a,1b, there are metal stiffening elements 4 that are rectangular in cross-section, at least two stiffening elements oppose one another and are secured to inner surfaces of the exterior walls, as well as inner chambers, some of the stiffening elements extend vertically and some horizontally, the horizontal elements are only in the area of the frame portion depending on which angle the frame is viewed from, and there is a receiving pocket (lower section) that receives an attachment profile 14.

Claims 1-3, 11, 12, 14, and 16-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Berthelsen ('598). Berthelsen teaches a frame section (Figure 13, E1, E2) defining a longitudinal axis and having two interior chambers and a plurality of stiffening elements in the interior separate from one another, the stiffening elements are metallic, have a strip shape, and have outwardly open punchings on an area in between the longitudinal sides. There is a plurality of partition walls (14,14'), and the frame includes a receiving pocket (top of frame in Figure 13) that receives an attachment profile. The stiffening elements are embedded in the exterior walls and do not intersect any visible surfaces of the frame section.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berthelsen ('598) in view of Arcas ('401). Berthelsen teaches a system as stated above, except for stiffening elements that are anodized. Arcas teaches that it is known to anodize aluminum in order to assist in corrosion prevention. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to anodize the stiffening elements, since placing a coating on metal is extremely well known in the art in order to protect from corrosion.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer I Thissell whose telephone number is (703) 306-5750. The examiner can normally be reached Monday through Thursday.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.


June 10, 2002


Carl D. Friedman
Supervisory Patent Examiner
Group 3600